

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:

Chapter 13

DERRICK V. STINGLEY and
CECILIA STINGLEY,

Case No. 11-26454-PP

Debtor(s).

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Derrick V. and Cecilia Stingley (Name of proponent of modification) has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney Anton B. Nickolai
Nickolai & Poletti, LLC
308 Milwaukee Avenue
Burlington, WI 53105

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Anton B. Nickolai Nickolai & Poletti, LLC 308 Milwaukee Avenue Burlington, WI 53105 Phone: 262-757-8444 Fax: 262-287-9725
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REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

- ☒ the Debtor;
☐ the Chapter 13 Trustee (post-confirmation modifications only);
☐ the holder of an unsecured claim (post-confirmation modifications only)

Name: _____

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

- ☒ A. post-confirmation;
☐ B. pre-confirmation (Select i. or ii);
- ☐ i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
- ☐ ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)).
The creditors affected are: (Enter creditors)

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

The debtors wish to increase their plan payment to ensure plan feasibility. The debtors calculated plan feasibility with the assumption that their pending objection to Proof of Claim No. 6 will be sustained by the Court.

4. The reason(s) for the modification is/are:

The debtors' plan is not currently feasible.

5. Select A. or B.

- ☒ A. The Chapter 13 Plan confirmed or modified on 9/12/2011 is modified as follows:

The debtors' plan payment shall increase as follows:

- (1) Payroll deductions for the debtor, Derrick V. Stingley, shall increase to \$385.00 bi-weekly;
(2) Payroll deductions for the joint debtor, Cecilia Stingley, shall increase to \$385.00 semi-monthly.

- ☐ B. The unconfirmed Chapter 13 Plan dated _____ is modified as follows:

(State the specific language of the modification)

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

CERTIFICATION

Complete one of the certifications below:

1. I/We, _____, the debtor(s) in this case, certify that I/we have reviewed the modification to the Chapter 13 plan proposed in this motion, and I/we authorize my/our attorney to file it with the court.

Debtor

Date

Debtor

Date

OR

2. I Anton B. Nickolai, attorney for debtor(s) Derrick V. and Cecilia Stingley, certify that I have reviewed the modification proposed above with the debtor(s), and that the debtor(s) has/have authorized me to file it with the court.

/s/ Anton B. Nickolai
Counsel for the debtor(s)

9/11/2012
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: 9/11/2012

Attorneys for Nickolai & Poletti, LLC

at City, State.

By: Anton B. Nickolai

Burlington, Wisconsin.

Bar No. 1060676